

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED

SAMUEL J. BOURNE,  
Plaintiff

2012 AUG -1 A 11: 15

Docket No. 12-cv-251-JL

v.

STATE OF NEW HAMPSHIRE,  
SUPREME COURT OF NEW HAMPSHIRE,  
LINDA STEWART DALIANIS individually,  
JAMES E. DUGGAN individually,  
GARY E. HICKS individually,  
CAROL ANN CONBOY individually,  
ROBERT J. LYNN individually, and  
EILEEN FOX individually,

Defendants

**MOTION TO STRIKE**

Now Comes the Plaintiff Mr. Bourne and respectfully submit the instant Motion to Strike: (a) Defendant's motion to dismiss; and (b) Defendant's objection to motion to recuse and change of venue. This motion is necessary due to Defendant's willful falsification of the pleadings, and the Plaintiff states as follows:

1. Defendants do not assent to this motion, and no memorandum of law accompanies this motion as the argument is incorporated herein.
2. This action has named the particular Defendants in their "individual" capacity, and not in their official capacity, except the State of New Hampshire, and the NH Supreme Court. See original complaint (court document No. 1). As such, the Defendants willfully and deceitfully have altered or falsified the official heading of named Defendants in order to deceive this Court.

3. Ironically, the Defendants counsel has also failed to file an appearance in order to file any pleadings in the instance action, and as such, all such pleading filed by the Defendants

Unauthorized attorney should be stricken in order to abide by the Court's Local Rule 83.6.

4. Defendants apparent violation of NH RSA 638:1(b) should be considered dishonest, and abusive, when reviewing the obvious alteration to names as listed by the Defendants [altered case heading] or pleadings submitted to deceive. It's quite shocking that a Senior Assistant Attorney General (Nancy J. Smith) would attempt such manipulation of Court pleadings in order to gain an unfair advantage in the pending litigation. Ironically, the Standards for Professional Conduct really do not matter to the Defendants herein, or such deceit could be considered further evidence of their corrupt and biased practices. Where the Defendants counsel has acted so dishonestly on behalf of her clients to alter the named defendants from individual to official, then what other deception or fraud on this Court will she next commit? Has the State Defendants and their counsel become so unethical, that nothing matters anymore? As such, this is further evidence, or just another fine example of the judicial deceit and corrupt practices that plague the State of New Hampshire.


5. By [falsely] naming the "individual" Defendants in their "official" capacity, when in fact, none of them were ever named as such, only points to an obvious attempt to thwart the Court process itself, in order to gain an unlawful and unfair advantage in litigation over a *Pro Se* Plaintiff. Therefore, this Court should strike the Defendant's Unauthorized, and Altered pleadings in their entirety.

**WHEREFORE**, The Plaintiff respectfully requests this Court to:

A. Strike the Defendant's unauthorized and altered pleadings in their entirety, and

- B. For such other relief that requires and holds the Defendants and their counsel to a Higher Standard of Professional Conduct.

Respectfully Submitted,

  
Samuel Bourne individually,  
117 Pond Street  
East Bridgewater, MA 02333  
508-378-9319

July 31, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been forwarded via U.S. First Class Mail, postage prepaid, to counsel for the Defendant[s], Michael A. Delaney Attorney General of N.H., and Nancy J. Smith Senior Assistant Attorney General of N.H., 33 Capital Street Concord, N.H. 03301

